

AMENDED IN ASSEMBLY MAY 6, 2009

AMENDED IN ASSEMBLY MARCH 31, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1238

Introduced by Assembly Member Hernandez

February 27, 2009

An act to amend Section 52240 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 1238, as amended, Hernandez. Advanced placement program.

(1) Existing law contains legislative findings and declarations regarding advanced placement courses. Existing law states the intent of the Legislature that certain state funding that is currently provided to school districts be made available to provide financial assistance to economically disadvantaged pupils in the payment of advanced placement examination fees. Existing law further states the intent of the Legislature that a competitive grant program also be established for the purpose of awarding grants to economically disadvantaged pupils to cover the costs of advanced placement examination fees, thereby creating a second source of financial assistance for economically disadvantaged pupils taking advanced placement examinations.

This bill would require school districts maintaining any of grades 9 to 12, inclusive, to offer *at each of these schools* advanced placement courses in certain areas of study, including ~~English literature and composition, United States history, Spanish language, calculus, and chemistry.~~ The bill would ~~authorize small rural school districts, as defined, to offer online courses for the purposes of fulfilling this~~

requirement. Because the bill would require school districts to provide a higher level of service, it would impose a state-mandated local program English, history, foreign language, mathematics, and science. The bill would state the intent of the Legislature that school districts consider alternative means of providing advanced placement courses if an advanced placement certified teacher is not available or if fewer than 10 pupils are enrolled in any given course. The bill would authorize these alternative means to include high-quality online courses, and would require that these high-quality online courses meet certain requirements and specifications.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 52240 of the Education Code is amended
- 2 to read:
- 3 52240. (a) The Legislature finds and declares all of the
- 4 following:
- 5 (1) Advanced placement courses, for which school credit is
- 6 awarded, provide rigorous academic coursework opportunities for
- 7 high school pupils and help to improve the overall curriculum at
- 8 schools where they are provided.
- 9 (2) The successful completion of advanced placement courses
- 10 and subsequent advanced placement examinations, which are
- 11 conducted by the College Entrance Examination Board and for
- 12 which college credit is awarded, provide a cost-effective means
- 13 for high school pupils to obtain college-level coursework
- 14 experience.
- 15 (3) To the extent that economically disadvantaged pupils are
- 16 provided financial assistance to take advanced placement
- 17 examinations, they will be provided with successful college-level

1 experience and be encouraged to pursue postsecondary education
2 opportunities.

3 (b) It is the intent of the Legislature, therefore, that certain state
4 funding that currently is provided to school districts be made
5 available to provide financial assistance to economically
6 disadvantaged pupils in the payment of advanced placement
7 examination fees. It is further the intent of the Legislature that a
8 competitive grant program also be established for the purpose of
9 awarding grants to economically disadvantaged pupils to cover
10 the costs of advanced placement examination fees, thereby creating
11 a second source of financial assistance for economically
12 disadvantaged pupils taking advanced placement examinations.

13 (c) ~~(1)~~ School districts maintaining any of grades 9 to 12,
14 inclusive, shall offer advanced placement courses ~~in the following~~
15 ~~areas of study:~~

16 ~~(A) English literature and composition.~~

17 ~~(B) United States history.~~

18 ~~(C) Spanish language.~~

19 ~~(D) Calculus.~~

20 ~~(E) Chemistry.~~

21 ~~(2) A small rural school district, as defined in paragraph (3),~~
22 ~~may offer online courses in order to fulfill the requirements of~~
23 ~~paragraph (1).~~

24 ~~(3) For purposes of this section, a “small rural school district”~~
25 ~~means a school district that has an annual enrollment of fewer than~~
26 ~~600 pupils based on prior school year CBEDS data and is, for the~~
27 ~~purposes of this section, designated a rural school by the~~
28 ~~Superintendent based on the appropriate school locale codes, as~~
29 ~~used by the National Center for Education Statistics of the United~~
30 ~~States Department of Education. each of the following areas of~~
31 ~~study at each school in the district maintaining any of grades 9 to~~
32 ~~12, inclusive:~~

33 ~~(1) English.~~

34 ~~(2) History.~~

35 ~~(3) Foreign language.~~

36 ~~(4) Mathematics.~~

37 ~~(5) Science.~~

38 ~~(d) It is the intent of the Legislature that school districts consider~~
39 ~~alternative means of providing advanced placement courses if an~~
40 ~~advanced placement certified teacher is not available or if fewer~~

1 *than 10 pupils are enrolled in any given course. Alternative means*
2 *may include, but are not limited to, high-quality online courses.*
3 *For purposes of this section, a high-quality online course means*
4 *a course that meets all of the following requirements:*

5 *(1) The online course is approved by the governing board of*
6 *the school district, and is certified through board resolution, to*
7 *meet the requirements of this section.*

8 *(2) The online course contains identical subject matter to the*
9 *classroom-based course.*

10 *(3) The online course is offered by a high school. A school*
11 *district offering an online course may contract with another school*
12 *district to provide the online course to pupils of the offering school*
13 *district. Contract terms shall be determined by mutual agreement*
14 *of the school districts. School districts that provide online courses*
15 *pursuant to the contract shall contract directly with the school*
16 *district of the schoolsite offering the online course, and shall not*
17 *enter into direct contracts with the pupils of the offering school*
18 *district.*

19 *(4) The online course is taught by an instructor who meets the*
20 *following requirements:*

21 *(A) The instructor is accessible to the pupil on a daily basis to*
22 *respond to pupil queries, assign tasks, and dispense information,*
23 *though the instructor's interaction with the pupil may be*
24 *asynchronous in nature.*

25 *(B) The instructor holds the appropriate subject matter*
26 *credential.*

27 *(C) The instructor concurrently teaches the same course to*
28 *pupils in a classroom-based setting in the school district, or did*
29 *so at any time within the immediately preceding two-year period.*

30 *(e) For purposes of online courses offered pursuant to*
31 *subdivision (d), all of the following shall apply:*

32 *(1) For each school, the ratio of full-time equivalent certificated*
33 *teachers to pupils shall be substantially equivalent for online*
34 *courses and in-class courses.*

35 *(2) Statewide testing results for online pupils shall be reported*
36 *to the school district in which the pupil is enrolled for*
37 *classroom-based courses.*

38 *(3) The school district of a schoolsite that offers online courses*
39 *pursuant to this section shall verify that pupils take examinations*

1 *by proctor or that other reliable methods are used to ensure test*
2 *integrity.*

3 *(4) The school district of a schoolsite that offers online courses*
4 *pursuant to this section shall ensure that the same methods of*
5 *documentation and assessment used to record pupil work for*
6 *classroom-based courses are used for online courses.*

7 *(5) The school district of a schoolsite that offers online courses*
8 *pursuant to this section shall maintain records to verify the time*
9 *that pupils and instructors spend online and involved in*
10 *course-related activities.*

11 *(6) A pupil shall not be assigned to an online course pursuant to*
12 *this section unless he or she voluntarily elects to participate. Prior*
13 *to participation, the pupil's parent or guardian shall provide*
14 *written consent.*

15 SEC. 2. If the Commission on State Mandates determines that
16 this act contains costs mandated by the state, reimbursement to
17 local agencies and school districts for those costs shall be made
18 pursuant to Part 7 (commencing with Section 17500) of Division
19 4 of Title 2 of the Government Code.